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NEW JERSEY MAN SENTENCED TO TWO YEARS PROBATION AND ORDERED TO PAY \$36,787.98 IN RESTITUTION FOR MAKING A BOMB THREAT

Orlando, Florida - Chief U.S. District Judge Patricia C. Fawsett, today sentenced ANDREW P. BRESTLE, 39 of Linwood, New Jersey, to two years' probation and ordered him to pay \$36,787.98 in restitution and a \$2,500 fine for making a bomb threat on an airplane.

BRESTLE pled guilty pursuant to a plea agreement on September 26, 2007 to interference with a flight crew member. According to court documents, BRESTLE was a passenger on Spirit Airlines, Flight 312 on July 10, 2007. The flight was scheduled to depart Orlando, Florida and go to Atlantic City, New Jersey. After the airplane had pushed back from the gate area, an announcement was made that Air Traffic Control had delayed the flight's departure time due to inclement weather. Once the airplane stopped in the taxiway, the seat belt sign was turned off and passengers were told that they could move freely about the cabin and use their cellular telephones.

At approximately 4:40 p.m., the captain of the aircraft made an announcement to the passengers that the flight would continue to stay on the ground and an update would be provided at 5:00 p.m. At approximately 4:45 p.m., a Spirit Airlines flight attendant responded to BRESTLE who had pushed the call button. BRESTLE told the flight attendant, "I want to get off the airplane." The flight attendant told BRESTLE that he could not exit the airplane. BRESTLE proceeded to tell the flight attendant, "what if I had a

bomb." The flight attendant told BRESTLE that his comment was not appropriate inside an airplane. BRESTLE told the flight attendant a second time that he wanted off the airplane. BRESTLE then told the flight attendant, "I have a bomb what are you going to do."

The captain was notified of the statements by BRESTLE referring to a bomb. The captain then notified Air Traffic Control who advised him to taxi the aircraft to a pre-designated area at the Orlando International Airport for bomb threats on board airplanes. Law enforcement and airport personnel evacuated the airplane, except for BRESTLE and his family members. All of the checked luggage for the flight was removed from the aircraft and inspected for explosives by canine. In addition, the airplane cabin was checked by a canine trained in explosive detection. After the results of those inspections revealed no explosives, the aircraft was found to be safe. Spirit Airlines canceled Flight 312.

BRESTLE was arrested, spent the night in jail, and had his initial appearance on July 11, 2007. In his plea agreement, BRESTLE denies that he asked, "what if I had a bomb" when he first spoke to the flight attendant, but admits that he made the statement, "what if someone said the word bomb." As for his second statement to the flight attendant, BRESTLE does not remember exactly how he responded to the flight attendant at that point, but he does not dispute that the United States would have witness testimony that he made another statement about a "bomb."

Because of BRESTLE's actions, Spirit Airlines suffered a loss of \$36,787.98 for the costs associated with cancelling Flight 312 and the rescheduling of the passengers from that flight. BRESTLE provided a check today in court to pay that amount in full.

The case was investigated by the Federal Bureau of Investigation. The case was prosecuted by Assistant United States Attorney Roger B. Handberg.